



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,143	01/08/2004	Yung Yip	10426US01	9649

7590 11/07/2006
Attention: Eric D. Levinson
Imation Corp
Legal Affairs
P.O. Box 64898
St. Paul, MN 55164-0898

EXAMINER

TUPPER, ROBERT S

ART UNIT PAPER NUMBER

2627

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/755,143	Applicant(s) YIP, YUNG	
	Examiner Robert S. Tupper	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2627

1. Applicant's election with traverse of the species of figure 2, stating claims 1-12 to read thereon, in the reply filed on 10/25/06 is acknowledged. The traversal is on the ground(s) that: (1) there are generic claims, and (2) that the species of figure 2 is generic to the other two species. This is not found persuasive because (1) the presence of generic claims is not a basis for obviating an election of species requirement, and (2) the disclosure clearly indicates that the structure shown in figure 2 is considered a distinct species by itself.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 13-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/25/06.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over KAADEN et al (5,917,671) in view of NAGATA et al (5,027,245).

Note especially figures 1 and 2. KAADEN et al shows a multi-track magnetic tape recorder system with a two dimensional matrix of recording heads (3) and a linear array of reading heads (7), with the read and write heads being substantially aligned and having an equal number.

KAADEN et al differs in not : (A) utilizing GMR type read heads (re claims 1 and 7), (B) specifying the listed track spacing (re claims 4-6), , and (C) utilizes one of the write heads to read servo (re claim 12).

Concerning (A), it is very well known and common to utilize MR type heads for reading. NAGATA et al shows this in the environment of a plural track system with separate read and write heads.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize MR type heads for the read heads in KAADEN et al. The motivation is as follows: these are commonly used for read heads.

Concerning (B), it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the system of KAADEN et al to have the listed spacing. The motivation is as follows: this would have been the obvious result of routine experimentation and optimization.

Concerning (C), it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize one of the write heads to read servo info. The motivation is as follows: the exact function of the heads is a matter of choice.

5. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over KAADEN et al (5,917,671) in view of NAGATA et al (5,027,245) as applied to claim 1 above, and further in view of NOZIERES et al (6,650,496).

KAADEN et al in view of NAGATA et al do not specify the listed controller details.

NOZIERES et al teaches individually controlling each write head in a plural head environment.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of NOZIERES et al to KAADEN et al. The motivation is as follows: one of ordinary skill in the art use any known control scheme.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert S. Tupper whose telephone number is 571-272-7581. The examiner can normally be reached on Mon - Fri, 6:30 AM - 4:00 PM (first Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert S Tupper
Primary Examiner
Art Unit 2627

rst